



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION

OF: VIKLUND, MARK; ET AL.

SERIAL No. 10/711,912

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ATTORNEY DKT No: 7298.098.NPUS02

CONFIRMATION No.: 5911

GROUP ART UNIT: 3782

EXAMINER: OLSON, MARGARET L.

TITLE: SINGLE FORCE STRUT FOR DUAL SIDED CARGO BOX

INFORMATION DISCLOSURE STATEMENT

Dear Sir,

In compliance with Rules 1.97 and 1.98, and in fulfillment of the duty of disclosure under Rule 1.56, it is respectfully requested that the references and disclosures listed on the accompanying enclosed Form PTO-1449 be made of record and considered with respect to the above-referenced U.S. patent application.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

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Applicants list herewith certain references cited during the prosecution of US 5,546,705 to Hirtsiefer. For reference EP0047826 an English equivalent is provided, namely US 4,491,355. Additionally, an English abstract is provided for EP0422678 along with a translation of col. 4, lines 21-36 of the reference. Translations are also submitted for DE192269, DE694865, DE2016287, DE 2800985, and FR1222294. Applicants also supply the certification for such translations.

### **DUAL FORCE STRUT**

Furthermore, Applicants provide 18 photographs of a dual force strut device used in a Cargo Container, wherein 9 of the photographs are in color and 9 are in black and white and are labeled as 1a through 3c. Applicants hereby admit that the strut shown in the provided photographs is prior art and was publicly used in Cargo Containers prior to the claimed invention. The photographs illustrate the strut in three different rotational positions. Each position is further demonstrated with the strut fully assembled, partially assembled, and finally only showing one pivotation arm. As can be seen in 1b, 2b, and 3b, the strut has a rotatable pivotation arm, a horizontal arm having a cam surface, and a spring contained in the strut body which compresses against the horizontal arm causing a vertical force. The point at which the pivotation arm is supported by the horizontal arm can be considered a force communication point (Cp). The positions are described 1a-3c as follows:

#### **1a-1c**

The series of photographs designated as 1a-1c illustrate the strut position for a cargo container in an approximate open configuration, where the strut due to its position would be generating an expansive force. As can be seen with reference to 1c, a red line is provided for reference, which is oriented parallel to the direction of an operationally effective force imposed by the biasing spring between the two arms (pivotation arm and the horizontal arm) and intersecting the pivot connection between the two arms.

As is further illustrated in 1c, the force communication point (Cp) is shown where the pivotation arm would have its point of support with the horizontal arm if the device were fully assembled (which fully assembled is shown in 1a at this position). It is further shown in photograph 1c, that the Cp is to the right of the red line. As a result of this position of the Cp relative the red line, and due to the vertical force applied by a spring in the fully assembled strut (1a), an expansion force would be generated by the strut, thereby applying an opening force to a cargo container which positioned therein.

### **2a-2c**

The series of photographs designated as 2a-2c illustrate the strut position for a cargo container in a semi-open configuration, where the strut due to its position would not be generating any force with respect to the cargo container. As can be seen with reference to 2c, a red line is provided for reference, which is oriented parallel to the direction of an operationally effective force imposed by the biasing spring between the two arms (pivotation arm and the horizontal arm) and intersecting the pivot connection between the two arms.

As is further illustrated in 2c, the force communication point (Cp) is shown where the pivotation arm would have its point of support with the horizontal arm if the device were fully assembled (which fully assembled is shown in 2a at this position). It is further shown in photograph 2c, that the Cp is aligned with the red line. As a result of this position of the Cp relative the red line, no force would be generated by the strut relative to a cargo container when fully assembled.

### **3a-3c**

The series of photographs designated as 3a-3c illustrate the strut position for a cargo container in a closed configuration, where the strut due to its position would be generating a contracting force with respect to the cargo container. As can be seen with reference to 3c, a red line is provided for reference, which is oriented parallel to the direction of an operationally effective force imposed by the biasing spring between the

two arms (pivotation arm and the horizontal arm) and intersecting the pivot connection between the two arms.

As is further illustrated in 3c, the force communication point (Cp) is shown where the pivotation arm would have its point of support with the horizontal arm if the device were fully assembled (which fully assembled is shown in 3a at this position). It is further shown in photograph 3c, that the Cp is to the left of the red line. As a result of this position of the Cp relative the red line, a contracting force would be generated by the strut relative to a cargo container when fully assembled.

### **1a-3c**

The series of photographs therefore show the position of the strut for a cargo container in an open configuration, a semi-open configuration, and a closed configuration. The photographs 1a-3c demonstrate that the Force Communication point (Cp) is to the right of the red reference line when the strut is shown in the open configuration (1a-1c), aligned with the red reference line when the strut is shown in the semi-open configuration (2a-2c), and to the left of the red reference line when the strut is in the closed configuration (3a-3c). Accordingly, the strut generates an expansion force in the open configuration, no force in the semi-open configuration, and a contracting force in the closed configuration. Thus, the strut, when fully assembled and in positioned in a cargo container does not exclusively deliver an assisting expansion force between the top and bottom portions of a cargo container. Instead, at certain positions it generates a contracting force between the top and bottom portions of a cargo container.


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The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7298.098.NPUS02.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
( Not for submission under 37 CFR 1.99)



Application Number	10711912
Filing Date	2004-10-12
First Named Inventor	VIKLUND, Mark
Art Unit	3782
Examiner Name	NEWHOUSE, Nathan Jeffrey
Attorney Docket Number	7298.098.NPUS02

**CERTIFICATION STATEMENT**

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

**OR**

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

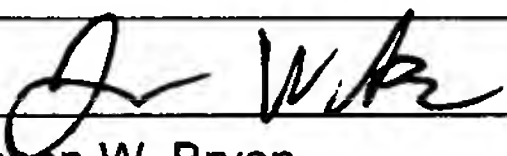
☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

**SIGNATURE**

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature		Date (YYYY-MM-DD)	2009-03-16
Name/Print	Jason W. Bryan	Registration Number	51,505

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.